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FOLEY AND LARDNER			YIGDALL, MICHAEL J	
SUITE 500			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/825,063	UOTA, YUJI
	Examiner	Art Unit
	Michael J. Yigdall	2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 April 2001.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-41 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-41 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 04 April 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3,5,6</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-41 are pending and have been examined. The priority date considered for the application is 5 April 2000.

Specification

2. The abstract of the disclosure is objected to because the abstract must not exceed 150 words. Correction is required. See MPEP § 608.01(b).

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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4. Claims 1, 4 and 10-13 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2 and 6-9 of copending Application No. 09/824,692.

Although the conflicting claims are not identical, they are not patentably distinct from each other because both recite analogous system development methods in which users combine functional units from developers to form semiconductor devices and software systems.

For example, claims 1 and 13 in the present application and claims 1 and 9 in the conflicting application both recite the step of registering users who then obtain files related to functional units and develop systems by combining the files. The limitation in the present application wherein the users are given an assurance level that meets specifications is analogous to the steps in the conflicting application of reporting that the system does not operate properly due to malfunctions (i.e. the system does not meet specifications), and of obtaining new files to have another try (i.e. the users have a level of assurance).

Moreover, claims 4 and 10-12 in the present application correspond to claims 2 and 6-8 in the conflicting application, respectively, in that both recite the same limitations. For example, present claim 4 and conflicting claim 2 both recite allowing the files to be obtained only when the right to do so is granted. Present claims 10-12 and conflicting claims 6-8 both recite the same embodiments of the system and the functional units.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-41 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,594,799 to Robertson et al. (hereinafter Robertson).

With respect to claim 1, Robertson discloses a system development method for developing a system using a development-support system (see the title and abstract) made up of a server used to provide information about functional units each implementing a different function and files describing said different functions, at least one developer client to develop said functional units and at least one user client to develop said system configured to perform desired operations by combining said functional unit (see column 7, lines 11-19, which shows a site or server for providing information about virtual circuit blocks or IP cores from suppliers or developers to end users; see also column 2, lines 55-60, which shows that such blocks or cores are functional units; see also column 18, lines 2-6, which shows combining the functional units to design a system), wherein all of said server, said developer client and said user client are connected through the Internet (see column 7, lines 40-43, which shows that the server, the providers or developers and the users are connected by the Internet), comprising:

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(a) a first step, to be taken by said user client, of registering an operator of said user client as a user of said development-support system (see column 15, lines 8-20, which shows registering as a user of the system);

(b) a second step, to be taken by said user client, of obtaining, by referring to information about said functional units, files describing a plurality of said functional units which are needed for development of said system and are given an assurance level that meets specifications of said system (see column 18, lines 24-40, which shows obtaining files describing the functional units to be used in a design; see also column 18, line 66 to column 19, line 6, which shows that the users are given an assurance level); and

(c) a third step, to be taken by said user client, of developing said system by combining files describing said plurality of functional units (see column 18, lines 59-65, which shows combining the files describing the functional units to design a system).

With respect to claim 2, Robertson further discloses the limitation wherein, in said first step, any one of access levels is assigned including a first access level at which an access only to an outline of information about said functional unit is allowed, a second access level at which an access only to an outline and details of information about said functional unit is allowed and a third access level at which acquisition of said files is allowed (emphasis added; see column 15, lines 2-20, which shows identifying the user and a corresponding profile for access to the system, such as by logging in with a username and password; see also column 18, lines 24-40, which shows obtaining the files, i.e. allowing the identified user to acquire the files).

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With respect to claim 3, Robertson further discloses the limitation wherein, in said first step, setting of said access level is made based on said assurance level, security level, and price level of each of said functional units and on a region level and/or right level of said user client (see column 15, lines 10-15 and 24-38, which shows storing a plurality of parameters or levels in the profile based on usage patterns and habits; see also column 18, line 66 to column 19, line 6, which shows an assurance level, column 13, lines 58-67, which shows an authorization or security level, column 13, lines 18-45, which shows a price level, and column 12, lines 38-42, which shows a location or region level; note that all such data may be mined and stored in the user profile on which the access level is based).

With respect to claim 4, Robertson further discloses the limitation wherein, in said second step, said files of said plurality of functional units are allowed to be obtained only when an application for individual or collective acquisition of said files is made and a right to acquire said files is granted through examination of said application for acquisition of each of said functional units or of every collective group of said functional units (see column 14, lines 14-27, which shows allowing the transaction only when the user is granted the authorization or the right to acquire the files).

With respect to claim 5, Robertson further discloses the limitation wherein said assurance level is any one of levels including a general assurance level at which said functional unit is assured of operations without any problem under general conditions, a non-operational condition level at which said functional unit is found not to operate under specified conditions, an operational condition level at which said functional unit is assured of operations under specified

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conditions, a non-assured level at which said functional unit operates only under very-limited conditions and a yet-to-be-completed level at which said functional unit is scheduled to be developed or is under development (emphasis added; see column 6, line 66 to column 7, line 10, which shows providing a compatibility or assurance level associated with functional units that are not yet completed, i.e. are to be developed and manufactured).

With respect to claim 6, Robertson further discloses the limitation wherein said security level is either of two levels set by a developer of each functional block including a level set to each of functional blocks at which all user clients are allowed to browse and a level set to said each of functional block at which only a user having concluded a special contract with said developer of said each functional block is allowed to browse (emphasis added; see column 13, lines 46-57, which shows creating a contract between the end user and the supplier or developer; note that if the contract is not accepted or concluded, the user is inherently not allowed to obtain, and thus browse, the files).

With respect to claim 7, Robertson further discloses the limitation wherein, in said second step, said file of said functional unit with said yet-to-be-completed level is allowed to be obtained only when a user has concluded a special contract with said developer of said functional unit or when a permission from other competitive users of said functional block is acquired (emphasis added; see column 20, lines 30-43, which shows allowing the transaction for the fabrication of functional units only when a subscription or contract is in place).

With respect to claim 8, Robertson further discloses the limitation wherein, in said second step, a reference is allowed to be made to at least a name, development schedule and

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outline of functions of said functional block with said yet-to-be-completed level (see column 20, lines 7-13, which shows referencing information such as the name of the fabricator, column 20, lines 57-65, which shows automatically notifying users of updates, i.e. providing information related to the development schedule, and column 20, line 66 to column 21, line 9, which shows delivering the design, i.e. an outline of the functions, of the functional unit to be fabricated).

With respect to claim 9, Robertson further discloses the limitation wherein, in said second step, more detailed information about said functional unit with said yet-to-be-completed level is allowed to be acquired or question information including a scheduled data or functions of said functional unit with said yet-to-be-completed level is allowed to be transmitted (emphasis added; see column 20, lines 13-23, which shows obtaining more detailed information about the fabrication of functional units).

With respect to claim 10, Robertson further discloses the limitation wherein said system is a semiconductor device and said functional unit is a basic logic element or a basic logic circuit constructed by combining a plurality of basic logic elements (see column 10, lines 25-32, which shows designing printed circuit boards and integrated chips, i.e. semiconductor devices, using logic components and virtual circuit blocks, i.e. functional units).

With respect to claim 11, Robertson further discloses the limitation wherein said system is a semiconductor device and said functional unit is a central processing unit, storage device, buffer, and peripheral device and wherein a file of said peripheral device is so constructed as to be able to select either of a file to implement its function by using hardware or a file to implement its function by using software (see column 10, lines 25-32, which shows designing

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printed circuit boards and integrated chips, i.e. semiconductor devices; see also column 3, lines 7-10, which shows that the functional unit may be a microcontroller, i.e. a central processing unit, storage device, buffer and peripheral device; see also column 16, lines 59-64, which shows selecting a type of functional unit; see also column 12, lines 27-30, which shows hardware implementations, and column 18, lines 55-58, which shows software implementations).

With respect to claim 12, Robertson further discloses the limitation wherein said system is software and said functional unit is a routine or object to perform predetermined processing (see column 6, lines 49-58, which shows providing design automation tools, i.e. functional units, to end users; see also column 22, line 66 to column 23, line 20, which shows developing scripts, i.e. a software system, using the functional units to perform predetermined processing).

With respect to claim 13, see the explanation for claim 1 set forth above. Note that Robertson further discloses a storage medium storing a system development program for causing a computer to execute the recited method (see column 34, lines 50-55).

With respect to claim 14, Robertson discloses a functional unit development method for developing a functional unit using a development-support system (see the title and abstract) made up of a server used to provide information about functional units each implementing a different function and files describing said different functions, at least one developer client to develop said functional unit and at least one user client to develop said system configured to perform desired operations by combining said functional units (see column 7, lines 11-19, which shows a site or server for providing information about virtual circuit blocks or IP cores from suppliers or developers to end users; see also column 2, lines 55-60, which shows that such

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blocks or cores are functional units; see also column 18, lines 2-6, which shows combining the functional units to design a system), wherein all of said server, developer client and user client are connected through the Internet (see column 7, lines 40-43, which shows that the server, the providers or developers and the users are connected by the Internet), comprising:

- (a) a first step, to be taken by said developer client, of registering an operator of said developer client as a user of said development-support system (see column 8, lines 47-53, which shows supplier and developer databases, i.e. developers registered as users of the system);
- (b) a second step, to be taken by said developer client, of transmitting development information of said functional unit that is scheduled to be developed (see column 17, lines 44-51, which shows providing development information regarding the functional unit);
- (c) a third step, to be taken by said developer client, of creating a file describing functions of said functional unit (see column 18, lines 24-40, which shows obtaining files describing the functional units; note that such files are inherently created by the developer); and
- (d) a fourth step, to be taken by said developer client, of setting an assurance level, security level, or price level, to said functional unit and registering said file (emphasis added; see column 18, line 66 to column 19, line 6, which shows setting a quality or assurance level; see also column 17, lines 14-19, which shows that the functional units are registered in a catalog).

With respect to claim 15, Robertson further discloses the limitation wherein said development information is made up of, at least, its name of said functional unit, scheduled date of development of said functional unit and outline of functions of said functional unit (see column 11, lines 43-56, which shows providing the name of a functional unit and information such as data sheets and application notes, i.e. outlines of the functions of the functional unit; see

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also column 13, lines 11-17, which shows providing information about availability and lead times, i.e. information related to scheduled dates of development and availability).

With respect to claim 16, Robertson discloses the limitation wherein, in said third step, when a result of retrieval of information about other functional units based on said development information shows that a functional unit having a same function has not yet been developed, is not under development and is not scheduled to be developed, said file is created (see column 17, lines 19-29, which shows providing a list of available functional units, and column 18, lines 20-24, which shows that the needed functional unit may not be available, i.e. has not yet been developed; see also column 27, lines 44-48, which shows creating a new functional unit).

With respect to claim 17, Robertson further discloses the limitation wherein, in said third step, when a result of said retrieval of information about other functional unit based on said development information shows that a functional unit having a same function has been already developed, is under development or is scheduled to be developed, it is decided, by referring to said information about said functional unit, whether development of a functional unit that is scheduled to be developed is halted, continued, or performed in cooperation with other developer of said functional unit being already under development or being scheduled to be developed (see column 26, lines 48-51, which shows referring to past design experience, i.e. determining whether an equivalent functional unit has already been developed; see also column 27, lines 61-65, which shows collaborating or cooperating with other developers).

With respect to claim 18, Robertson further discloses the limitation wherein, in said third step, a progress state of development of said functional unit is transmitted to said server and

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wherein a change of a scheduled date of development of said functional unit or a change of functions of said functional unit is made by referring to a table storing said development information, said progress state and desires for a scheduled date or functions transmitted from a system developer having referred to said development information and said progress state or from a developer of other functional unit (emphasis added; see column 26, lines 33-43, which shows referring to the stage of completion or progress state of development of the functional unit, and periodically updating and transmitting the availability of the developer, i.e. information related to the development schedule).

With respect to claim 19, see the explanation for claim 5 set forth above.

With respect to claim 20, see the explanation for claim 6 set forth above.

With respect to claim 21, see the explanation for claim 10 set forth above.

With respect to claim 22, see the explanation for claim 11 set forth above.

With respect to claim 23, see the explanation for claim 12 set forth above.

With respect to claim 24, see the explanation for claim 14 set forth above. Note that Robertson further discloses a storage medium storing a system development program for causing a computer to execute the recited method (see column 34, lines 50-55).

With respect to claim 25, Robertson discloses a development-support system (see the title and abstract) comprising:

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(a) a server used to provide information about functional units each implementing a different function and files describing said different function (see column 7, lines 11-19, which shows a site or server for providing information about virtual circuit blocks or IP cores from suppliers or developers to end users; see also column 2, lines 55-60, which shows that such blocks or cores are functional units);

(b) at least one developer client to develop said functional units (see column 7, lines 11-19, as above);

(c) at least one user client to develop a system configured to perform desired operations by combining said functional units (see column 18, lines 2-6, which shows combining the functional units to design a system); and

(d) wherein all of said server, said developer client and said user client are connected through the Internet (see column 7, lines 40-43, which shows that the server, the providers or developers and the users are connected by the Internet);

(e) wherein said developer client makes an application for registration of an operator as a user of said development-support system by transmitting a name of said operator and/or an organization to which said operator belongs (see column 8, lines 47-53, which shows supplier and developer databases, i.e. developers registered as users of the system), transmits development information of said functional unit that is scheduled to be developed (see column 17, lines 44-51, which shows providing development information regarding the functional unit), creates a file describing functions of said functional unit (see column 18, lines 24-40, which shows obtaining files describing the functional units; note that such files are inherently created by the developer) and, after setting an assurance level, security level, and/or price level of said

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functional unit, makes an application for registration of said file (emphasis added; see column 18, line 66 to column 19, line 6, which shows setting a quality or assurance level; see also column 17, lines 14-19, which shows that the functional units are registered in a catalog);

(f) wherein said user client makes an application for registration of said operator as an user of said development-support system by transmitting a name of said operator and/or an organization to which said operator belongs (see column 15, lines 8-20, which shows registering as a user of the system), obtains, by referring to information about said functional unit, a file of a plurality of functional units needed for development of said system and having an assurance level that meets specifications of said system (see column 18, lines 24-40, which shows obtaining files describing the functional units to be used in a design; see also column 18, line 66 to column 19, line 6, which shows that the users are given an assurance level), develops said system by combining files of said plurality of functional units and verifies operations of said developed system (see column 18, lines 59-65, which shows combining the files describing the functional units to design a system; see also column 21, lines 10-29, which shows obtaining services or tools to verify the operation of the system);

(g) wherein said server examines said applications for registration based on said names of said developer client and said user client and said organizations to which they belong, registers them as users of said development-support system (see column 15, lines 2-20, which shows identifying the user and a corresponding profile for access to the system, such as by logging in with a username and password) and, at this point, sets a region level depending on a region where said user client exists and, if necessary, a privileged or restrictive right level, makes registrations after examining a file regarding said application for registration made by said

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developer client (see column 15, lines 10-15 and 24-38, which shows storing a plurality of parameters or levels in the profile based on usage patterns and habits; see also column 12, lines 38-42, which shows a location or region level, and column 13, lines 58-67, which shows an authorization, right or security level; note that all such data may be mined and stored in the user profile), allows other development client and other user client to refer to development information and to said assurance level of said functional unit fed from said developer client based on said security level and allows said user client to obtain files of a plurality of said functional units with a predetermined assurance level (see column 18, lines 24-40, which shows obtaining the files, i.e. allowing the user to acquire the files based on the authorization, right or security level).

With respect to claim 26, Robertson further discloses the limitation wherein said development information is made up of at least its name, its scheduled date, and outlines of its functions (see column 11, lines 43-56, which shows providing the name of a functional unit and information such as data sheets and application notes, i.e. outlines of the functions of the functional unit; see also column 13, lines 11-17, which shows providing information about availability and lead times, i.e. information related to scheduled dates of development and availability).

With respect to claim 27, Robertson further discloses the limitation wherein said server retrieves information about other functional unit based on said development information and, if said other functional unit having a same function have not yet been developed, are not under development or are not scheduled to be developed, notifies said developer client of a content and

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said developer client, when receiving said notification, creates said file (see column 17, lines 19-29, which shows providing a list of available functional units, and column 18, lines 20-24, which shows that the needed functional unit may not be available, i.e. has not yet been developed; see also column 27, lines 44-48, which shows creating a new functional unit).

With respect to claim 28, Robertson further discloses the limitation wherein said server retrieves information about other functional unit based on said development information and, if a functional unit having a same function has been already developed, is under development or is scheduled to be developed, notifies said developer client of a content, and said developer client, when receiving said notification, by referring to information about said functional unit, decides whether development of a functional unit scheduled to be developed is halted, continued, or developed in cooperation with a developer of said functional unit being already under development or being scheduled to be developed (see column 26, lines 48-51, which shows referring to past design experience, i.e. determining whether an equivalent functional unit has already been developed; see also column 27, lines 61-65, which shows collaborating or cooperating with other developers).

With respect to claim 29, Robertson further discloses the limitation wherein said developer client transmits a progress state of development of said functional unit to said server and wherein a change of scheduled date of development of said functional unit or a change of functions of said functional unit is made by referring to a table storing said development information, said progress state and a desire for a scheduled date or functions transmitted from a system developer having referred to said development information and said progress state or

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from a developer of other functional unit (emphasis added; see column 26, lines 33-43, which shows referring to the stage of completion or progress state of development of the functional unit, and periodically updating and transmitting the availability of the developer, i.e. information related to the development schedule).

With respect to claim 30, see the explanation for claim 5 set forth above.

With respect to claim 31, Robertson further discloses the limitation wherein said security level is either of two levels including a level at which all users are allowed to browse or a level at which only a user having concluded a special contract is allowed to browse (emphasis added; see column 13, lines 46-57, which shows creating a contract between the end user and the supplier or developer; note that if the contract is not accepted or concluded, the user is inherently not allowed to obtain, and thus browse, the files).

With respect to claim 32, Robertson further discloses the limitation wherein said server, when registering an operator of said user client as a user of said development-support system, assigns any one of access levels including a first access level at which an access only to an outline of information about said functional unit is allowed, a second access level at which an access only to an outline and details of information about said functional unit is allowed, and a third access level at which acquisition of said files is allowed (emphasis added; see column 15, lines 2-20, which shows identifying the user and a corresponding profile for access to the system, such as by logging in with a username and password; see also column 18, lines 24-40, which shows obtaining the files, i.e. allowing the identified user to acquire the files).

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With respect to claim 33, Robertson further discloses the limitation wherein setting of said access level is made based on said assurance level, security level, or price level of each of said functional unit (see column 15, lines 10-15 and 24-38, which shows storing a plurality of parameters or levels in the profile based on usage patterns and habits; see also column 18, line 66 to column 19, line 6, which shows an assurance level, column 13, lines 58-67, which shows an authorization or security level, and column 13, lines 18-45, which shows a price level; note that all such data may be mined and stored in the user profile on which the access level is based).

With respect to claim 34, Robertson further discloses the limitation wherein said user client makes an application for acquisition of each of a plurality of functional units or of said plurality of functional units collectively, said server examines said application for each of said plurality of functional units or for said plurality of functional units collectively and grants said user client said right to acquire, and said user client, based on said granted right, obtains files of said functional unit from said server (see column 14, lines 14-27, which shows allowing the transaction only when the user is granted the authorization or the right to acquire the files).

With respect to claim 35, Robertson further discloses the limitation wherein said server allows only a user client having concluded a special contract with a developer of said functional unit or having acquired a permission from other users to obtain files of said functional unit with said non-assured level (emphasis added; see column 13, lines 46-57, which shows creating a contract between the end user and the supplier or developer; note that if the contract is not accepted or concluded, the user is inherently not allowed to obtain the files).

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With respect to claim 36, Robertson further discloses the limitation wherein said server allows other developer client or said user client to refer to, at least, a name, scheduled date and outlines of functions of a functional unit with a yet-to-be-completed level (see column 20, lines 7-13, which shows referencing information such as the name of the fabricator, column 20, lines 57-65, which shows automatically notifying users of updates, i.e. providing information related to the development schedule, and column 20, line 66 to column 21, line 9, which shows delivering the design, i.e. an outline of the functions, of the functional unit to be fabricated).

With respect to claim 37, Robertson further discloses the limitation wherein said user client makes a request asking more detailed information about said functional unit with said yet-to-be-completed level or transmits question information including its scheduled date or its functions, and said server, after having accepted and registered said question information, transmits said question information to a developer client being operated by a developer of said functional unit with said yet-to-be-completed level (emphasis added; see column 20, lines 13-23, which shows obtaining more detailed information about the fabrication of functional units).

With respect to claim 38, see the explanation for claim 10 set forth above.

With respect to claim 39, see the explanation for claim 11 set forth above.

With respect to claim 40, see the explanation for claim 12 set forth above.

With respect to claim 41, see the explanation for claim 25 set forth above. Note that Robertson further discloses a storage medium storing a system development program for causing a computer to execute the recited method (see column 34, lines 50-55).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Pat. No. 5,983,277 to Heile et al. discloses a system for developing semiconductor devices by a plurality of users, in which developers may work on functional units, and updates are automatically distributed. U.S. Pat. No. 5,767,848 to Matsuzaki et al. discloses a development support system.

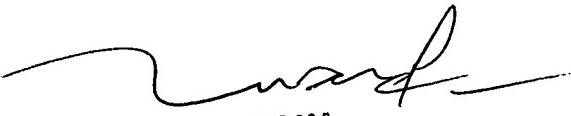
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Yigdall whose telephone number is (703) 305-0352. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael J. Yigdall
Examiner
Art Unit 2122

mjy
April 16, 2004


TUAN DAM
SUPERVISORY PATENT EXAMINER